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October 26, 2020

*Via ECF*  
Hon. Jesse M. Furman  
United States District Court Judge  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *United States v Arguendas (Jacobbb Padin)*  
20 Cr. 135 (JMF)

Dear Judge Furman:

Your Honor ordered the temporary release of Jacobbb Padin on April 8, 2020, because of the threat that COVID-19 posed to his health at the jail. Mr. Padin has sought and obtained five extensions of his temporary release and currently seeks an extension until November 30, 2020, because of the ongoing pandemic in our country, his chronic asthma, and his recent shoulder surgery.

Our country continues to face unprecedented challenges from the coronavirus pandemic, with the number of cases across the country continuing to rise. Three days ago, our country experienced a record high number of new COVID-19 cases for one day (82,630) and more than 436,392 confirmed new cases in the United States last week.<sup>1</sup> That weekly amount is 53,411 more cases than the week before, which amounts to a 13.57% increase.<sup>2</sup> In addition, last week there were 5,436 COVID-19 related deaths in our country, which was up 12.72% from the week

<sup>1</sup> [https://covid.cdc.gov/covid-data-tracker/#cases\\_casesinlast7days](https://covid.cdc.gov/covid-data-tracker/#cases_casesinlast7days) (Accessed October 26, 2020)

<sup>2</sup> <https://covid19.who.int/region/amro/country/us> (Accessed October 26, 2020)

before.<sup>3</sup> In our prisons across the country, there have been 152,955 reported cases of COVID-19, and 1275 prisoner deaths.<sup>4</sup> The BOP is currently in phase 9 of its COVID-19 Action Plan implemented to curtail the spread of COVID-19,<sup>5</sup> yet, there are many outbreaks of COVID-19 in the federal jails, and hundreds of prisoners currently have the virus. *Id.* The virus, unfortunately, is far from subsiding.

Additionally, as noted in our last submission, Mr. Padin underwent surgery on his shoulder on September 18, 2020. Although he is healing as expected, he also had to undergo an MRI for his back two weeks ago.

Because of the pandemic and his surgery, and in light of his severe asthma, Mr. Padin respectfully requests that Your Honor extend his temporary release until November 30, 2020. Mr. Padin's Pretrial Service Officer Bernisa Mejia takes no position on his request and defers to Your Honor's decision, but reports Mr. Padin has been fully compliant with the terms of his temporary release. Andrew Chan, AUSA, responded that the Government "respectfully notes its standing objection to the defendant's temporary release. Since the defendant's temporary release was last extended, attorney visits at MCC and MDC have resumed, and the first criminal jury trial was completed."

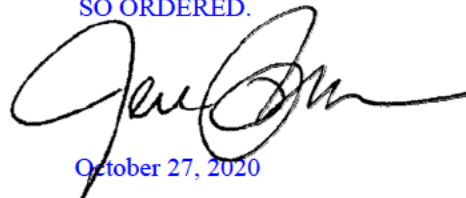
Your Honor's time and consideration of this request is greatly appreciated.

Respectfully submitted,  
s/  
Lorraine Gauli-Rufo  
Attorney for *Jacobb Padin*

cc: Andrew Chan, AUSA  
Danielle Sassoon, AUSA  
Bernisa Mejia, PTSO (*via email*)

Application GRANTED. The Clerk of Court is directed to terminate ECF No. 253.

SO ORDERED.



October 27, 2020

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<sup>3</sup> <https://covid19.who.int/region/amro/country/us> (Accessed October 26, 2020)

<sup>4</sup> <https://www.themarshallproject.org/2020/05/01/a-state-by-state-look-at-coronavirus-in-prisons> (updated October 23, 2020)

<sup>5</sup> Bop.gov (Accessed October 26, 2020)